

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
September 9, 2019**

Present: Chairman Thomas LaPerch; Boardmembers Dan Armstrong; Eric Cyprus; Jack Gress; Jim King and Michael Hecht; Town Planner Ashley Ley; Secretary Victoria Desidero. Absent & Excused: Vice Chairman David Rush; Town Attorney Willis Stephens

PUBLIC HEARINGS:

1. **NEW YORK AMERICAN WATER WELLS WETLAND PERMIT, 36 Mt. Ebo Road** – This was a Continued Public Hearing to review an application for a Wetland Permit to drill test wells. Chairman LaPerch said this was a Public Hearing for New York American Water Wells and they did not furnish any further information for us to discuss so they've asked to have it continued, correct, Victoria (Desidero)? Ms. Desidero said yes so, the 23rd is the date they requested. Chairman LaPerch said so if there are no Board member questions, I'd like to make a motion. He said is there anyone from the public here who has questions? Town Councilwoman Lynne Eckardt explained to the people in the audience that the applicant is not present and that they will be back to answer questions on September 23. Ms. Desidero suggested Ms. Eckardt give them a copy of the agenda so they could see it. Boardmember King said the project description on this still says it is for Mt. Ebo... Ms. Ley said it is. He said I thought we talked last meeting that it was for... Chairman LaPerch said yes, Barrett Hill is part of the whole Mt. Ebo service area. The motion to Continue the Public Hearing to September 23, 2019 was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Boardmember Armstrong said I have a question: do they have to re-advertise? Chairman LaPerch said no.

REGULAR SESSION:

1. **FICARRA CONDITIONAL USE PERMIT, 7 Bridey Lane** – This was a review of an Application for a Conditional Use Permit for an Accessory Apartment. Linda Ficarra appeared before the Board. Chairman LaPerch said tell us a little about your application. Ms. Ficarra said we built the house between 2003 and 2005 and we've finished our basement and we've used it as you know family, recreation... She said we finished the kitchen, which was all done at the same time, our CO (Certificate of Occupancy) is for the entire house, including the finished basement. The fifth bedroom was always in the basement from the beginning, she said, and there is one bedroom on the main floor; the second level has three bedrooms for a total of five. She said I do a lot of entertaining, it's a big house, about 7200 sq. ft. and you know through the summer... family... you know we have three children, eight grandchildren... Chairman LaPerch said so you are looking to legitimize your downstairs? Ms. Ficarra said I will show you the pictures, you know we have never even had a bed in the bedroom downstairs: all I want is my stove for during the summer when I have parties outside and during the holidays for extra oven space. Chairman LaPerch said makes sense, thank you. She said OK, do you want to see any pictures or anything? He said no, that's fine. Chairman LaPerch polled the Board for questions. Boardmember Armstrong said do you rent this space? Ms. Ficarra said no, it's never been rented and it's the type of home that I have... someone wouldn't come in there and rent the apartment; it's not what the status and character of the home... you wouldn't rent it and yes it does have access from the outside but the entrance is off the pool area. You would have to walk around the entire house in order to get to the apartment, she said, the intention is not to rent the apartment and my understanding from accessory apartments... it's not for rent. She said it is supposed to be for family usage. Chairman LaPerch said the answer is no, you don't plan on renting it for this discussion. She said I don't plan on renting it out. Boardmember Armstrong said so does the Zoning ordinance provide for this kind of arrangement? Ms. Ley said it provides for it in that you have to get a Conditional Use Permit for an Accessory Apartment if you have a full kitchen because, even though they are not planning on renting it, if they were to sell their house to another person it would essentially be an apartment that could be

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rented. She said so, that's why... the other option would have been to remove the stove. Boardmember Armstrong said but to be realistic, and I am not saying you are doing this, but if you have an apartment that maybe today you don't need to rent but something happens and you decide to rent the apartment for revenue, how would anybody know about that or how does that fit within the ordinance? Ms. Ley said with a Conditional Use Permit for an Accessory Apartment... regardless of whether she rents it or not, to legalize... to have what could essentially function as an accessory apartment, they need to get a Conditional Use Permit. Ms. Ley said to legalize the full kitchen she has in the basement right now; that's why she is here to legalize that kitchen. He said so the onus is on her to come in and get the permit for the accessory apartment? Chairman LaPerch said and that is what she is doing. Boardmember Armstrong said OK, so she is getting it but she is not going to rent it? Ms. Ley said right. Ms. Ley said it is because she wants to have a full kitchen in the basement. Chairman LaPerch said and that triggers her to come in and to get the Conditional Use Permit. Boardmember Cyprus said what caused this to come up now? Ms. Ficarra said what happened is that I had put my house on the market at the end of 2015 and the tax assessor Laurie Bell gets off of MLS all new homes that come on the market and she basically goes over and scrutinizes them and sees if she can find any violations. And she saw my property that was on the market, she said, she went through it and she said that I have a stove and that's illegal so she then turned all these copies, plus she circled my refrigerator and my dishwasher and everything else on the page, but I do have a CO for everything but I don't have a CO for the stove. Ms. Ficarra said it's not something I am looking to get for the whole entire kitchen; it is solely for the stove. I already have a CO for that, she said. And that's basically what she did, Ms. Ficarra said, so (Building Inspector) Mike (Levine) said the only way that I could legalize the stove is either I have to remove it or to go and get the accessory apartment and that's what I am doing now. Boardmember Cyprus said you have a comment about four plus one bedroom or five bedrooms, if that other bedroom was there would that comment still be applicable? Ms. Ley said right, so it's a five bedroom house when they got their original CO, the Health Department approved it as a five bedroom house; the issue is if they were ever to use this as an accessory apartment, there is the potential for a one bedroom apartment with a four bedroom house potentially having a greater number of residents than a single five bedroom house so you could potentially have a couple living in a one bedroom apartment as opposed to a family member... Ms. Ficarra said under your recommendation I went to the Health Department. Ms. Ley said yes, have you heard back from them yet? She said the Health Department said to me... I read them your letter, I sent him... Anthony Fricchione... I sent him your letter and he doesn't understand why I'm contacting him. She said I forwarded him the entire application and he said it is for you to review and then send to him; they said if you have a CO for a five bedroom house, it doesn't matter where the bedrooms are, I have a CO for a five bedroom house and I have a sewer disposal system for a five bedroom house. Ms. Ley said OK so what the Town needs based on what's in the Town's Code is verification from the Health Department that they are satisfied with the information that you've provided them so you could get... Ms. Ficarra said he is not going to answer me... Chairman LaPerch said he kicked it back to us. She said yeah, he said that the... Ms. Ley said but you spoke with him on the phone after you sent that e-mail because I never saw an e-mail that came back? Ms. Ficarra said what I did was I called him and told him what I needed and he was a little bit miffed and was saying I don't understand, you have a CO for five bedrooms, he pulled the file because I left all the information on his voicemail and he went then and pulled the whole file and he has everything as it's all laid out and he says I don't know why... he didn't find any problems... he said it's a five bedroom house and he said the Town is supposed to be making this inquiry; they shouldn't be asking you to make the inquiry about it. But when I finished with him, I said I would send him the entire application, all the information, what I submitted to the Town to expedite things, she said. Chairman LaPerch said excuse me, I am confused myself from our side: if the County gave you a five-bedroom septic field and you are not increasing it, why are we even asking

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about it? Ms. Ley said it's part of the Town Code... He said I know but they already have five bedrooms that are approved by the County so what are we... why do we have to go and re-approve what we approved? Ms. Ficarra said that's what he said. Ms. Ley said let's say you had... Ms. Ficarra said he gave me another letter; he pulled up all the documentation plus I had given you a copy of my... Chairman LaPerch said no, we believe you, I just want to understand this process because it seems like there is a lot of work for something that is obvious to me. Mr. Ficarra talked about one-bedroom apartments with two-person occupancy and said she doesn't believe it really changes anything. Ms. Ley said the Town Code requires: *"The approval of the Putnam County Department of Health must be obtained for water supply and sewage disposal systems prior to the approval of the conditional use permit. No accessory apartment or accessory dwelling shall be allowed in a district served by a community sewage disposal system."* So, typically this is what we have required in this situation is a letter back from the Health Department saying either that the septic system is fine and that no further review is required, which they have done for other applicants, she said, and we see Conditional Use Permits fairly frequently. Ms. Ficarra said I supplied... I have very accurate record keeping and I supplied it so that is what he couldn't understand. Ms. Ley said you are the first person who has had an issue with getting this letter. Ms. Desidero said I'm sorry, what was the name of the person you spoke to at the County? Ms. Ficarra said here this is the letter I got... Ms. Desidero said Anthony Fricchione is new to this job at the Health Department and he has never looked at one of these for our Town that I know of; we always speak to Mike... Chairman LaPerch said he is gone; he retired. Ms. Desidero said then he is the new person. Ms. Ley said OK. Ms. Ficarra said I gave him all the information and he went to talk to I guess another person who is overseeing his work because he is new in his position and they said that why are they asking for this. Ms. Ley said all we are looking for from the Health Department is an e-mail or a letter back saying that they reviewed the project... (Ms. Ficarra and Ms. Ley speaking at the same time.) Ms. Ley said... saying that no further review of the Health Department is required to convert the basement into an accessory apartment. Ms. Desidero said my suggestion is that you (Ms. Ficarra) and I can get together on the phone and we can do it by conference call or whatever with Anthony (Fricchione) and I will just explain what the Town Code says and why you are asking the question and maybe it is something we are going to have to work out with the County anyway so we'll use this opportunity to tell him what we are asking for and I would help you facilitate that. Chairman LaPerch said could you? Ms. Ficarra said he had said that the reason you might be thinking... if in fact they have five bedrooms and they only have a four-bedroom septic back from the Health Department that (inaudible) but he said since the house was built that way... Ms. Desidero said let me help you with it. Chairman LaPerch said yes, let's take this offline. Ms. Ficarra said OK, fine, thank you very much. Boardmember Armstrong said I think, in my mind, the real issue is whether or not in a one family Zone, can you have a second residence, a fully functional residence with a kitchen... I mean and then so what happens if the next bedroom decides they will convert into another kitchen. So, what I am saying is one family is one family, he said, it's not like one family with this kind of arrangement and it just... I think we should nail it down so that it doesn't happen again. Ms. Desidero said we have a provision in our Code that allows for an accessory apartment in a single-family home. Ms. Ley said that's what they are seeking. Boardmember Armstrong said is that what they are coming in for? Chairman LaPerch said they are looking to legitimize that right. Boardmember Armstrong said so then if they meet the minimums of whatever the requirements are... Ms. Ley said the only thing that they require for the Board to be able to approve it is just verification from the Health Department that the septic and water meet the demands of splitting the space. He said and where are we on that? Chairman LaPerch said that was the discussion we just had with... Boardmember Armstrong said so you will be back? Chairman LaPerch said yes, tomorrow morning we are verifying what we believe is a five-bedroom house with ample sewer and water capacity. Chairman LaPerch said but she has every right to do this. Boardmember Armstrong said OK, thank you. Chairman LaPerch said what I would like to do is

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understand that we will get on the phone with Anthony, the new gentleman, about the... Ms. Desidero said yes, just how they want us to go about it in the future. The motion to Classify this as a Type II Action and a Town of Southeast Minor Project was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed by a roll call vote of 6 to 0 with 1 absent. Chairman LaPerch asked for comments on waiving the Public Hearing and no one objected. The motion to Waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. Ms. Desidero said so we are going to get this worked out with the County and then I am going to tell you what the next steps are and I am guessing that Ashley (Ley) is going to tell you it is one more meeting. Ms. Ley said one more meeting. Ms. Desidero said and you may not have to be present at the meeting and Ms. Ley said you don't even need to be here. Chairman LaPerch said does a Conditional Use Permit run with the house; if she sells that house, what happens to that permit? Ms. Ley said it is up to the Board and most of the time the approvals run with the use. Chairman LaPerch said so if she goes to sell it is with an accessory apartment? They discussed accessory apartment renewals, maintaining Conditional Use Permits for Accessory Apartments and that the apartments can be rented to someone outside the family.

2. **FORTUNE RIDGE BARN, 30 Drewsclift Lane** – This was a review of an Application for Final Approval for a Site Plan Amendment. Attorney Richard O'Rourke of Keane & Beane, Engineer Brian Hildebrand of Kellard Sessions and Fortune Ridge Project Manager Steve Trendell appeared before the Board. Mr. O'Rourke said we are here for a final approval for the barn and I know we've gone through the Architectural Review Board (ARB); they have essentially OK'd the modifications that we have and we can take you through it but it's the same as you saw earlier. Chairman LaPerch said real quick. Mr. Hildebrand said the plan has not changed via the revisions that were made back in May for the addition of this rear shed roof that's about 15 ft. wide running 92 ft. along the back of the building, open on either end and the intent is to use this area for storing outdoor equipment that is accessory to the barn use and we moved this access drive just further away from the building to maintain access and the second building modification was the removal of dormer windows along the roof, which was approved by the ARB. Chairman LaPerch said could you walk the Board through it; they are back here now also because there was something that changed about the apartments? Ms. Ley said yes, so one of the things that changed was when they originally came in a few years ago for the barn, the upstairs area had been more of like a social area or a viewing area for the riding rink. At some point that changed to two apartments, she said, they provided a letter for the Planning Board files stating that those apartments are exclusively for the use of farm workers associated with the equestrian use and that is memorialized in the draft resolution that's before you. Chairman LaPerch polled the Board for questions. Boardmember Armstrong said are there any use questions here, I mean whatever you are proposing to do is completely within the Zoning ordinance? Mr. O'Rourke said yes. The motion to Grant Final Approval for the Site Plan Amendment was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 6 to 0 with 1 absent.
3. **BATISTA SOUTHEAST DUNKIN, 1617 Route 22** – This was a review of a Recommendation to the Town Board for the Establishment of a Performance Bond for Erosion & Sediment Control. Chairman LaPerch said I am not sure anyone is here for this; it's just one action tonight. He asked if there are any questions or problems? Ms. Ley said no issues. The motion to Recommend a Performance Bond for Erosion & Sediment Control to the Town Board was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor.
4. **ALFACOR, LLC, 291 Deans Corner Road** – This was a continued review of an Application for Site Plan and Conditional Use Permit. Nick Gaboury of Bibbo Associates and Traffic Engineer Bernard Adler appeared before the Board. Mr. Gaboury said a quick overview because it's been a

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little while since we were here. So, we started this project in 2018 and it was a much larger overall project at the time, he said, there was a third building anticipated. He said after our initial feedback from the Board and the Town Planner, we scaled the project down drastically to include just the larger warehouse and a reduced size second building. Once we put together that basic layout of the plan, he said, we have been fine tuning it since then and we worked with the other agencies we need approvals from. Mr. Gaboury said we've incorporated some of the comments from the Town, one of the items we worked on was per the Town Engineer, tapering down some of the unused area of pavement to reduce some of the overall scale of the pad in front of the building so we incorporated a large planter island on this side of the building, we've reduced some of the pavement widths along the edges of the building and this area, which was formerly a large pavement swath connecting the two areas, has been tapered down and re-shaped to minimize the impervious surface there. He said the impervious surfaces and stormwater, we have been dealing with the DEP and made an initial submission of our Stormwater Pollution Prevention Plan; we've designed three distinct stormwater treatment areas... three practices in order to take stormwater back into the ground; and we are working on fine tuning the diversions and pipe sizing with the DEP. We are at an incompleteness level with them currently, he said, and waiting on a determination for the SEQRA from the lead agency to move forward with final review and approval with them. Mr. Gaboury said we also completed field testing with the County for the septic area that we anticipate for the site and we had good test results. There was one percolation test, which was a little too fast, he said, which we are going to go back and re-test but we found very good testing throughout the site. Chairman LaPerch said so Mr. Adler is going to be talking about the big issue. Mr. Gaboury said correct; we have updated our landscaping plan and part of the concern was potentially visual impacts so we have included some fairly large-scale Norway Spruces on the rear of the larger warehouse building to partially screen that building. We've also incorporated some of the DEP SEQRA comments as far as native plantings they've recommended, he said, and we've worked on our driveway design as part of the DEP and SWPPP review and we are anticipating increasing the driveway width to 20 ft. Mr. Gaboury said we acknowledge that the driveway currently serves large scale trucks and trailers and a contractors yard that Rob Alfredo's current property is using but we would like to increase some of the safety factors at the corners to increase visibility... Chairman LaPerch said what is the width now? He said it is like 18 to 19 ft. and we want to go to 20 and we think that will meet the need for the site. He said the 20 ft. width also minimizes the new impervious along there and we have worked on the stormwater design at the entrance as well. Mr. Gaboury said lastly on visual impacts, we have an aerial view here and to give you a frame of reference, the site and northbound 684 lanes as they pass by the site; we are set back a way from the highway and there is a rather large buffer of woodland, tree plantings that are there and will remain in place; everything beyond the septic will remain in tact so if you can envision from a driver's eye as they look up through here, you really only start seeing the building as you are just passing by it and that is where we envision putting our Norway Spruce trees. Chairman LaPerch said Mr. Adler, did you have a chance to review our consultant's comments? He said yes. Mr. Adler said for the record, my name is Bernard Adler; I am a licensed professional engineer in the State of New York and other states; I am the past president of the Metropolitan section of the Institute of Transportation Engineers (ITE), a professional society of transportation professionals; also I sat on the Board of Directors of ITE and I'm a past professor of civil engineering at Manhattan College where I focused on transportation engineering; and lastly I was the former commissioner of traffic for the City of White Plains, where I worked with (Boardmember) Dan (Armstrong) a couple of years ago. He said I did review the letter and I have been trying to be very professional and politically correct in trying to respond. He said in my estimation, and I've been doing this now for 50 years, I think the comments are requiring a sledgehammer to swat a fly. There are all the responses that are necessary, he said, already in the report and for example, I will just pick on a couple, I don't want to talk about typos, but for example, there is a poor level of service on 684 at Hardscrabble northbound off ramps.

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That's right here, he said, now the problem is that that intersection, that interchange at the ramp, now suffers from the failed level of service. It gets much worse when we add all the background traffic for six vicinity developments in the area, it goes from about 200 seconds to 300 seconds, and we add another 20 odd seconds when we add the project from us on Fields Lane, he said. Mr. Adler said the problem is that this is a State road, it's an existing condition; it's so far beyond the responsibility of our client to have to even study a warrant analysis for a traffic signal at this intersection; it's something that the State does and it's something that, if he is adding five cars during the PMP hour, it's almost like why are we being asked to make that study. He said the same thing for Fields that meets with Daniel, we are not adding any cars to Daniel Road and, it is in a failed level of service, and we are not adding any cars to it. He said and it's a transition problem because it's, as currently defined, it's an E level of service and adds another four seconds of delay and all of a sudden there is possibility that there is a need for a signal. It would never need a signal warrant in the first place, he said, I don't even see why we are being asked to prepare a traffic study on that, he said. Mr. Adler continued: there are so many questions... I mean there are 21 comments that AKRF put forward that are just, as I said, there is much more than... Chairman LaPerch said Mr. Adler, here is my take on this. He said let's hear it. Chairman LaPerch said it sounds like there are 21 items recommended in this consultant memo and I recommend that you get together with our consultants and DOT (Department of Transportation) and figure it out because we are not gonna do it tonight. Mr. Adler said I love it. They discussed it and agreed they need to get everyone in a room and figure it out. Chairman LaPerch said Nick (Gaboury) are you proposing any outside storage for this property? He said part of the problem is we don't have an end user for the site and I talked about that with Rob (Alfredo) today and he wants to leave the idea open to identify some outside storage so we are, on our next version of the plan, we will show some within the confines of the Code. Chairman LaPerch said I think it is prudent. He said light fixtures on the building are also an open item and once again we are early in the process but some of these things you can get ahead of. Chairman LaPerch said the other thing is, Mr. Adler, my personal concern to get back to the traffic; is that driveway they are using as access. He said I just find it to be so narrow to accommodate what the end use may be... Mr. Adler said first of all, Nick (Gaboury) described it; they are widening it... Chairman LaPerch said by a foot and I just, once again... Mr. Adler said well, 19 is what you need for a two-way driveway, maybe it should go to 22 but the issue is this: it's an existing driveway that meets Fields Lane and everything is working now and there is actually... Chairman LaPerch said yes but look what you are adding: 90,000 sq. ft. to it. Mr. Adler said we are adding seven trucks in the morning and 30 cars and eight trucks in the afternoon and 40 cars. Chairman LaPerch said have you ever been out there at those times of the day? He said yes. Chairman LaPerch said and you see the traffic with people cutting through all the time? Mr. Adler said it is very busy. Chairman LaPerch said yeah and I need to make sure it gets done right and I need to get comfortable with that issue and, from day one I have been that way, and I am asking you to address that with our consultants. He said we know it exists but I told the applicant immediately to see if there is access through the cul de sac and he couldn't do it on the adjoining property so we know that's off the table, and I thank him for that, but I just want to make sure that road works. He said because that's craziness out there especially at that point there, it is right near the other... (multiple people talking.) Chairman LaPerch polled the Board for questions. Boardmember King said can you help me on the traffic speak: I don't understand the plus 200 seconds, plus 300 seconds: are you saying it is additional time to get to the highway? Mr. Adler said no, this is the off ramp from 684 at Hardscrabble; there is a long queue waiting to get off and to turn right and left. Boardmember King said so the line to get off? Mr. Adler said it is not the main line, there is about 1300 ft. of storage on the ramp, so the delay in the queue but not still back to the main line, but my thing before is it is a State road and I am not sure what we can do with a State road; we can tell the State: 'hey you know maybe you ought to do it' but I am not sure that it is really Rob's (Alfredo's) responsibility to fix something when he is adding five cars. Boardmember

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King said I just want to understand what the seconds mean. Mr. Adler said well, there is a lengthy delay because there are a lot of cars on Hardscrabble; they go through the intersection to get to the southbound so it takes a long time to get out; it's always the exit. Boardmember King said thank you. Boardmember Armstrong said how many vehicles are you going to be adding any given day to the traffic? Mr. Adler said I don't have the daily (inaudible) in front of me but I know what it is generating during peak hours... Boardmember Armstrong said it could vary day to day? Mr. Adler said well, it tends to be pretty stable; we are using a reference that is published by the Institute of Transportation and it is based on hundreds of studies of land uses and variations in size so if you plug in the formula we're going to be generating about 38 trips in the morning and about 40 trips in the afternoon, something in that order. He said it might seem small if you say 90,000 sq. ft. but you load up trucks and only seven trucks go out in the morning and only eight trucks go out in the afternoon. Chairman LaPerch said how do you know that when you don't have a user involved? Boardmember Cyprus said that was my question. Mr. Adler said from the standard of a commercial... Chairman LaPerch said you are using your books? He said yes. Boardmember Cyprus said maybe those are the standards and that's fine but they have been saying pretty definitively that it is going to be seven trucks and eight trucks and we shouldn't worry about the traffic but I think your end user might change things. Mr. Adler said well, you might want to look at it again once an end user is found, once the property is ready to be sold, but, in general, in land use... it generates the trips... it has been repeatedly shown, time and time again throughout the United States. Ms. Ley said so this Board needs to look at the worst-case scenario. Boardmember Cyprus said and I don't think seven trucks is worst case but... Ms. Ley said we did ask for additional information and one of the things we did note is obviously there is a lot of traffic on the roadway already but they are increasing the delay at that off ramp so its going from a level of service E to a level of service F during the pm peak hours. Mr. Adler said I believe that is the wrong intersection; that's the Hardscrabble... Ms. Ley said the northbound approach at the Hardscrabble Road and I-684 NB Ramps intersection would continue to operate at LOS F with an increase of 28.2 seconds of delay during the PM peak hour, which is a pretty significant increase in delay. Boardmember Cyprus said I assume there is nothing worse than F? There is nothing worse than F, she said, but then you are looking at the degree at which the F (inaudible). Mr. Adler said but you are also, as I mentioned, if you look at the traffic projections it is based on standards that are used throughout the United States wherever you go, we are generating five vehicles northbound on that off ramp. He said now the problem is, once we are at an F level of service a very small change in the number of cars adds not just a small increment but a larger change so the 20 seconds added from 300-something to the 400-something, wait... I'll tell you exactly... it goes from 429 seconds to 457 but 429 seconds is a long delay but it's there; that's what you've got. Chairman LaPerch said OK, well that's going to be worked out with our consultants. He said Dan (Armstrong), I'm sorry to jump in; you had the floor. Boardmember Armstrong said well, I have to admit I'm not familiar with the site, I haven't been out there yet but are there other similar uses on the street? Mr. Adler said it is all commercial. Chairman LaPerch said the answer is yes. Boardmember Armstrong said OK, have you done any research into what was required of previous new developments that were gonna contribute traffic to the street? Mr. Adler said we have, we were given a list of six vicinity developments in the area mostly along Fields Lane and they never were required to do traffic studies so we had to do their traffic studies to figure out how many cars are being generated by each facility. Boardmember Armstrong said how long ago were these, did they build and, theoretically, need a traffic study? Ms. Ley said so the building they built... some of the other ALFACOR projects along that corridor were significantly smaller... they were in the range of 20,000 sq. ft. which is below the threshold of what is typically required for a traffic study. Boardmember Armstrong said so this is... Ms. Ley said this is a significantly larger project. Chairman LaPerch said this triggered... Boardmember Armstrong said so they are required to do a study? Ms. Ley said this is just below the threshold of a Type I Action. Mr. Adler said but

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cumulatively they added up to more than we generated. Boardmember Armstrong said if the law says you need to do a traffic study and you fall under what the minimum is without doing the study then it seems to me... I don't know how this Board could say don't do it. Mr. Adler said we've done a traffic study. Ms. Ley said they did do a traffic study. Mr. Adler said we've done an intensive traffic study but (inaudible). Boardmember Armstrong said then what is the issue? Ms. Ley said the issue is that we asked for some additional... we are recommending that some additional information be provided based on the results of the traffic study that was submitted. Chairman LaPerch said our consultant has some concerns about their study and they are supposed to get together shortly to... Boardmember Armstrong said oh, so that hasn't been done yet? Chairman LaPerch said no, we are suggesting that now... that they get together. Boardmember Armstrong said so it sounds like you are not ready for prime time? Chairman LaPerch said no, they've got some work to do but they are willing... Mr. Adler said we just got the letter last week. Ms. Ley said and we just got the traffic study in time for this meeting. Tim Allen of Bibbo Associates said in looking at Fields Lane and to answer your question, you've got Brewster Transit with cement trucks in and out all the time; you've got the Brewster Ice Rink which has cars in and out all the time; you've got Collins Brothers moving trucks in and out all the time. He said it was always intended to be basically a commercial zone that intends to be what it is; it's actually been a great tax base for both North Salem on their side and Southeast on their side. Chairman LaPerch said we are just doing our job here, all right? And all I am asking you to do, he said, is get together... Mr. Allen said I'm just saying... Chairman LaPerch said we understand, it's a tax base, we get all of that but it is a traffic issue and it's probably one of the last pieces... Mr. Allen said it is not the one property that is going to put it over the top is what I am saying. Chairman LaPerch said no, its cumulative, I get that and if you guys can get together with Ashley's (Ley's) group to get us comfortable with this issue, OK? He said and then we can come back and we figure it all out. Mr. Adler said I think it's a great idea. Chairman LaPerch said thank you: are there any other issues here that we missed? Ms. Ley said no. The motion to Declare the Planning Board Lead Agency under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 6 to 0 with 1 absent.

Chairman LaPerch said we do not have any Minutes for tonight's meeting.

The motion to close the meeting was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor.

September 26, 2019/VAD